

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2065.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	October 6, 2003
DATE OF REPORT:	October 31, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 10, 2003

**COMPLAINT ISSUES:**

Whether the River Forest Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-29-1(f) by failing to provide services to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's individualized education program (IEP) when a student with a disability has been suspended for more than ten cumulative instructional days.

**FINDINGS OF FACT:**

1. The Student is sixteen years old and eligible for special education and related services as a student with a Mild Mental Disability.
2. The Student was suspended for a total of ten cumulative days out of school. These dates are September 3, 4, 5, 26, 29, 30, and October 1, 2, 3, and 6, 2003.
3. On August 29, 2003, the Student attended the School football game and made threatening comments towards other students, and had to be escorted off of the school grounds by a police officer. The Student then received three days of out of school suspension and two days in the In School Alternative Class Placement for the following charges: threat, assault, and intimidation.
4. On September 2, 2003, the In School Suspension/Alternate Classroom Placement Report was distributed to all of the Student's teachers so that he could continue to progress in his subject areas. The Student received his classroom work and was provided assistance by the special education staff.
5. The Parent contacted the Teacher of Record (TOR) on September 3, 2003, and requested the Student's work for the days he would be out of school due to suspension. On September 3, 2003, the Parent picked up the Student's work and books provided by the TOR.
6. On September 25, 2003, the Student made two physical threats: to beat up a student and to shoot a student. The Student received seven days of out of school suspension for the following charges: contributing factor, disrespect/building, disruptive behavior, extracurricular activity, misconduct school activity, threat, assault, and intimidation. The Student was in attendance for the entire day on September 25, 2003.

7. The Parent was contacted with possible times to have a case conference before the tenth day of suspension. A case conference was held on October 6, 2003, which was the tenth day of out of school suspension. The Parent signed permission for a reevaluation by NISEC, and also signed permission for a change of placement for homebound services until the completion of the reevaluation. An additional behavior plan was added to the Student's IEP to include verbal aggression with threats to cause bodily harm with or without a weapon.

#### **CONCLUSIONS:**

1. Findings of Fact #2-#7 indicate that on the tenth cumulative day of suspension the School convened a case conference committee meeting to discuss: the Student's recent behavior; modification of the behavior intervention plan; a change of placement; and, reevaluation testing. In addition, the CCC determined what services the Student would receive. Therefore, no violation of 511 IAC 7-29-1(f) is found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**